

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 542 - HB 606

February 15, 2023

SUMMARY OF BILL: Establishes that providing services related to adoption, including, but not limited to, counseling or facilitating, using false or misleading representations of fact or deceptive representations is an unfair and deceptive act or practice under the *Consumer Protection Act of 1977*. Creates a tort liability against any licensed child-placing agency, chartered child-placing agency, or licensed clinical social worker that participates in a wrongful adoption. Creates a Class A misdemeanor for a person who places or attempts to place a child up for adoption in violation of state law.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Committing an unfair or deceptive practice under the *Consumer Protection Act of 1977* is a Class B misdemeanor offense.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any additional Attorney General duties resulting from the proposed legislation will be absorbed using existing resources, without a significant increase in state expenditures.
- The proposed legislation does not list the Department of Children's Services (DCS) as a party against whom the tort action may be brought; therefore, there is no significant impact to DCS.
- Any legal action brought and any compensatory damages paid with regards to the tort claim will be on behalf of private parties.
- Any increase in caseloads of the trial courts as a result of the provisions of the proposed legislation can be handled within existing judicial resources and personnel; therefore, it will have no significant fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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